IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP NO.18374 of 2006
DATE OF DECISION: November 30, 2006

Sahil Mittal

….Petitioner

VERSUS

Baba Farid University of Heal Sciences and others

….Respondents

CORAM:- HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S. BHALLA

PRESENT: Shri Munish Bhardwaj, Advocate for the petitioner.
Shri Anupam Gupta, Advocate for respondent No.1.
Shri Sukhdip Singh Brar, Additional Advocate General, Punjab for respondent No.2.

Viney Mittal,J.(Oral).

The petitioner has approached this Court for issuance of directions to the respondent University to declare the result of the petitioner of 3rd Year Bachelor of Physiotherapy course conducted by the respondent University in November/December 2005 and May/June, 2006. It has been claimed by the petitioner that the then Principal, V.P.Bansal, respondent No.4 on account of some extraneous considerations had not taken note of the classes attended by the petitioner and on that basis had sent an internal assessment indicating zero marks. On the basis of the aforesaid fact, the University had not declared the result of the petitioner. It has also been averred by the petitioner that subsequently on suspension of the aforesaid Principal, V.P.Bansal, new Principal had taken over the charge and had forwarded the

appropriate and proper internal assessment on the basis of lectures attended by him.

Shri Anupam Gupta, the learned counsel appearing for the respondent University, on the other hand, has produced before us a notification dated April 28, 2006, whereby on account of the internal assessment forwarded by the then Principal qua the petitioner, his candidature had been cancelled. However,Sh.Gupta has also produced before us a communication dated October 19,2006 by the new Principal of DAV Institute of Physiotherapy and Rehabilitation, Jalandhar, respondent No.3, whereby fresh internal assessment qua the petitioner has been forwarded to the University.

Keeping in view the peculiar facts and circumstances of the case and also the fact that the new Principal has sent a revised internal assessment of the petitioner, the University is directed to declare the revised result of the petitioner forthwith on the basis of new internal assessment forwarded by the new Principal.

The present petition is disposed of accordingly with the aforesaid direction.

The original internal assessment produced by Shri Anupam Gupta in a sealed cover is returned back to him.

A copy of this order be given dasti to the learned counsel for the parties under the signatures of Special Secretary attached with this Court.

(Viney Mittal)
Judge

November 30, 2006
KD

(H.S. Bhalla)
Judge